

Senate File 27 - Introduced

SENATE FILE 27

BY JOCHUM

A BILL FOR

1 An Act providing for the licensure of persons who install and
2 maintain solar thermal systems and solar photovoltaic panels
3 and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.1, Code 2011, is amended to read as
2 follows:

3 **105.1 Title.**

4 This chapter may be known and cited as the "*Iowa Plumber,
5 Mechanical, Solar Professional, and Contractor Licensing Act*".

6 Sec. 2. Section 105.2, Code 2011, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 18. "*Solar professional*" means a person
9 whose services consist of the installation, alteration, repair,
10 maintenance, relocation, or replacement of a solar system.

11 NEW SUBSECTION. 19. "*Solar system*" means panels for
12 portable solar heating systems and photovoltaic systems and any
13 appurtenances, apparatus, or equipment used in connection with
14 those systems.

15 Sec. 3. Section 105.3, subsection 1, Code 2011, is amended
16 to read as follows:

17 1. A plumbing, and mechanical, and solar systems board is
18 created within the Iowa department of public health.

19 Sec. 4. Section 105.3, subsection 2, paragraphs a and b,
20 Code 2011, are amended to read as follows:

21 a. The board shall be comprised of ~~eleven~~ twelve members,
22 appointed by the governor, as follows:

23 (1) The director of public health or the director's
24 designee.

25 (2) The commissioner of public safety or the commissioner's
26 designee.

27 (3) One plumbing inspector.

28 (4) One mechanical inspector.

29 (5) A contractor who primarily works in rural areas.

30 (6) An individual licensed as a journeyman plumber
31 pursuant to the provisions of this chapter or, for the initial
32 membership of the board, an individual eligible for such
33 licensure.

34 (7) An individual working as a plumbing contractor and
35 licensed as a master plumber pursuant to the provisions of

1 this chapter or, for the initial membership of the board, an
2 individual eligible for such licensure.

3 (8) Two individuals licensed as journeyperson mechanical
4 professionals pursuant to the provisions of this chapter or,
5 for the initial membership of the board, two individuals
6 eligible for such licensure.

7 (9) Two individuals licensed as master mechanical
8 professionals pursuant to the provisions of this chapter or,
9 for the initial membership of the board, two individuals
10 eligible for such licensure. One of these individuals shall be
11 a mechanical systems contractor.

12 (10) An individual licensed as a solar professional
13 pursuant to the provisions of this chapter or, for the initial
14 appointment, an individual eligible for such licensure.

15 b. The board members enumerated in paragraph a "a",
16 subparagraphs (3) through ~~(9)~~ (10), are subject to confirmation
17 by the senate.

18 Sec. 5. Section 105.3, subsection 7, Code 2011, is amended
19 to read as follows:

20 7. The board may maintain a membership in any national
21 organization of state boards for the professions of plumbing,
22 HVAC, refrigeration, ~~or~~ hydraulic, or solar professionals, with
23 all membership fees to be paid from funds appropriated to the
24 board.

25 Sec. 6. Section 105.10, subsection 1, Code 2011, is amended
26 to read as follows:

27 1. Except as provided in section 105.11, a person shall not
28 operate as a contractor or install or repair plumbing, HVAC,
29 refrigeration, ~~or~~ hydraulic, or solar systems without obtaining
30 a license issued by the board, or install or repair medical gas
31 piping systems without obtaining a valid certification approved
32 by the board.

33 Sec. 7. Section 105.11, subsections 7 and 10, Code 2011, are
34 amended to read as follows:

35 7. Require a helper engaged in general manual labor

1 activities while providing assistance to an apprentice,
2 journeyperson, or master to obtain a plumbing, HVAC,
3 refrigeration, ~~or~~ hydronic, or solar license. Experience as a
4 helper shall not be considered as practical experience for a
5 journeyperson license.

6 10. Apply to the employees of manufacturers, manufacturer
7 representatives, or wholesale suppliers who provide
8 consultation or develop plans concerning plumbing, HVAC,
9 refrigeration, ~~or~~ hydronic, or solar work, or who assist a
10 person licensed under this chapter in the installation of
11 mechanical, hydronic, solar, or plumbing systems.

12 Sec. 8. Section 105.12, subsection 1, Code 2011, is amended
13 to read as follows:

14 1. A contracting, plumbing, HVAC, refrigeration, ~~or~~
15 hydronic, or solar license shall be in the form of a
16 certificate under the seal of the department, signed by the
17 director of public health, and shall be issued in the name of
18 the board. The license number shall be noted on the face of the
19 license.

20 Sec. 9. Section 105.15, Code 2011, is amended to read as
21 follows:

22 **105.15 Registry of licenses.**

23 The name, location, license number, and date of issuance of
24 the license of each person to whom a license has been issued
25 shall be entered in a registry kept in the office of the
26 department to be known as the plumbing, HVAC, refrigeration, ~~or~~
27 hydronic, or solar registry. The registry may be electronic
28 and shall be open to public inspection; however, the licensee's
29 home address, home telephone number, and other personal
30 information as determined by rule shall be confidential.

31 Sec. 10. Section 105.16, Code 2011, is amended to read as
32 follows:

33 **105.16 Change of residence.**

34 If a person licensed to practice as a contractor or
35 a plumbing, HVAC, refrigeration, ~~or~~ hydronic, or solar

1 professional under this chapter changes the person's residence
2 or place of practice, the person shall so notify the board.

3 Sec. 11. Section 105.17, subsection 1, unnumbered paragraph
4 1, Code 2011, is amended to read as follows:

5 The provisions of this chapter regarding the licensing
6 of plumbing, HVAC, refrigeration, ~~and hydronic~~, and solar
7 professionals and contractors shall supersede and preempt all
8 plumbing, HVAC, refrigeration, hydronic, solar, and contracting
9 licensing provisions of all governmental subdivisions.

10 Sec. 12. Section 105.17, subsection 1, paragraph b, Code
11 2011, is amended to read as follows:

12 *b.* On and after July 1, 2008, a governmental subdivision
13 shall not prohibit a contractor or a plumbing, HVAC,
14 refrigeration, solar, or hydronic professional licensed
15 pursuant to this chapter from performing services for which
16 that person is licensed pursuant to this chapter or enforce any
17 plumbing and mechanical licensing provisions promulgated by the
18 governmental subdivision against a person licensed pursuant to
19 this chapter.

20 Sec. 13. Section 105.18, Code 2011, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 2A. *Solar professional and contractor*
23 *licenses.* The board shall issue separate licenses for solar
24 professionals and for contractors as follows:

25 *a.* Solar professional. In order to be licensed by the
26 board as a solar professional, a person shall do all of the
27 following:

28 (1) File an application and pay application fees as
29 established by the board, which application shall establish
30 that the person meets the minimum educational and experience
31 requirements adopted by the board in rule.

32 (2) Pass a licensing examination.

33 *b.* Contractor license. In order to be licensed by the board
34 as a contractor, a person shall do all of the following:

35 (1) File an application and pay application fees as

1 established by the board, which application shall provide the
2 person's state contractor registration number and establish
3 that the person meets the minimum requirements adopted by the
4 board.

5 (2) Maintain a permanent place of business.

6 (3) Hold a solar professional license or employ at least one
7 person holding a solar professional license under this chapter.

8 Sec. 14. Section 105.18, subsection 3, paragraph b, Code
9 2011, is amended to read as follows:

10 *b.* Special, restricted license. The board may by rule
11 provide for the issuance of special plumbing, and mechanical,
12 hydronic, and solar professional licenses authorizing the
13 licensee to engage in a limited class or classes of plumbing,
14 ~~or mechanical, hydronic, or solar~~ professional work, which
15 class or classes shall be specified on the license. Each
16 licensee shall have experience, acceptable to the board, in
17 each such limited class for which the person is licensed. The
18 board shall designate each special, restricted license to be
19 a sublicense of either a plumbing, HVAC, refrigeration, or
20 hydronic, or solar license. An individual holding a master
21 or journeyman, plumbing, HVAC, refrigeration, or hydronic,
22 or solar license shall not be required to obtain any special,
23 restricted license which is a sublicense of the license
24 that the individual holds. ~~Special plumbing and mechanical~~
25 professional licenses shall be issued to employees of a
26 rate-regulated gas or electric public utility who conduct the
27 repair of appliances. "*Repair of appliances*" means the repair
28 or replacement of mechanical connections between the appliance
29 shutoff valve and the appliance and repair of or replacement
30 of parts to the appliance. Such special, restricted license
31 shall require certification pursuant to industry-accredited
32 certification standards.

33 Sec. 15. Section 105.19, subsection 2, Code 2011, is amended
34 to read as follows:

35 2. If the applicant is engaged in plumbing, HVAC,

1 refrigeration, ~~or~~ hydronic, or solar work individually through
2 a business conducted as a sole proprietorship, the applicant
3 shall personally obtain the insurance and surety bond required
4 by this section. If the applicant is engaged in the plumbing,
5 HVAC, refrigeration, ~~or~~ hydronic, or solar business as an
6 employee or owner of a legal entity, then the insurance and
7 surety bond required by this section shall be obtained by the
8 entity and shall cover all plumbing ~~or~~ mechanical, or solar
9 work performed by the entity.

10 Sec. 16. Section 105.21, Code 2011, is amended to read as
11 follows:

12 **105.21 Reciprocal licenses.**

13 The board may license without examination a nonresident
14 applicant who is licensed under plumbing, HVAC, refrigeration,
15 ~~or~~ hydronic, or solar professional licensing statutes of
16 another state having similar licensing requirements as
17 those set forth in this chapter and the rules adopted under
18 this chapter if the other state grants the same reciprocal
19 licensing privileges to residents of Iowa who have obtained
20 Iowa plumbing, ~~or~~ mechanical, or solar professional licenses
21 under this chapter. The board shall adopt the necessary rules,
22 not inconsistent with the law, for carrying out the reciprocal
23 relations with other states which are authorized by this
24 chapter.

25 Sec. 17. Section 105.22, unnumbered paragraph 1, Code 2011,
26 is amended to read as follows:

27 A license to practice as a contractor or as a plumbing,
28 HVAC, refrigeration, ~~or~~ hydronic, or solar professional may be
29 revoked or suspended, or an application for licensure may be
30 denied pursuant to procedures established pursuant to chapter
31 272C by the board, or the licensee may be otherwise disciplined
32 in accordance with that chapter, when the licensee commits any
33 of the following acts or offenses:

34 Sec. 18. Section 105.22, subsection 8, Code 2011, is amended
35 to read as follows:

1 8. Aiding and abetting a person who is not licensed pursuant
2 to this chapter in that person's pursuit of an unauthorized and
3 unlicensed plumbing, HVAC, refrigeration, ~~or~~ hydronic, or solar
4 professional practice.

5 Sec. 19. Section 105.25, subsections 1 and 3, Code 2011, are
6 amended to read as follows:

7 1. Only a person who is duly licensed pursuant to this
8 chapter may advertise the fact that the person is licensed as
9 a contractor or as a plumbing, HVAC, refrigeration, solar, or
10 hydronic professional by the state of Iowa.

11 3. A person who fraudulently claims to be a licensed
12 contractor or a licensed plumbing, HVAC, refrigeration, solar,
13 or hydronic professional pursuant to this chapter, either in
14 writing, cards, signs, circulars, advertisements, or other
15 communications, is guilty of a simple misdemeanor.

16 Sec. 20. Section 272C.1, subsection 6, paragraph ae, Code
17 2011, is amended to read as follows:

18 *ae.* The plumbing, and mechanical, and solar systems board,
19 created pursuant to chapter 105.

20 EXPLANATION

21 Iowa law (Code chapter 105) currently licenses persons
22 who design, install, and repair the HVAC, refrigeration, or
23 hydronic systems, or serve as contractors of such systems.
24 Licenses are available either individually or in combination.
25 The profession is regulated by a licensing board under the
26 aegis of the department of public health.

27 This bill adds licenses for solar professionals and
28 contractors to Code chapter 105. A solar professional is a
29 person who installs, alters, repairs, maintains, relocates,
30 or replaces a solar heating or photovoltaic system and any
31 apparatus or equipment used in connection with the system. The
32 bill adds to the membership of the licensing board one person
33 who is a solar professional.

34 Unlike plumbing, HVAC, refrigeration, and hydronic
35 licenses, licensure as a solar professional is not broken into

1 apprentice, journeyperson, or master categories. Licensure as
2 a solar professional requires that the applicant:

- 3 1) Pay application fees as established by the board.
- 4 2) Meet the minimum educational and experience requirements
5 adopted by the board in rule.
- 6 3) Pass a licensing examination.

7 Licensure as a solar contractor requires that the applicant:

- 8 1) Pay application fees as established by the board.
- 9 2) Provide the applicant's state contractor registration
10 number and meet the minimum requirements adopted by the board.
- 11 3) Maintain a permanent place of business.
- 12 4) Hold a solar professional license or employ at least one
13 person holding a solar professional license under Code chapter
14 105.

15 In keeping with the current licensing scheme, solar
16 professional and contractor licenses may be obtained
17 individually or in combination with HVAC, refrigeration, or
18 hydronic systems licenses.

19 Currently, a violation of Code chapter 105 is a simple
20 misdemeanor. A simple misdemeanor is punishable by confinement
21 for no more than 30 days or a fine of at least \$65 but not more
22 than \$625 or both. In addition, the board may impose a civil
23 penalty not to exceed \$5,000 per offense for certain violations
24 of Code chapter 105.